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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Case No.: 1:19-cv-01578-VEC

In Re Navidea Biopharmaceuticals Litigation

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law of Michael M. Goldberg, M.D. in Support of Motion For Advancement of Attorneys' Fees in Connection With Counterclaims all filed concurrently, and upon all prior pleadings and proceedings had herein, Michael M. Goldberg, by and through its undersigned attorneys, will move this Court, before the Honorable Valerie E. Caproni, United States District Judge, at the Thurgood Marshall United States Courthouse, 40 Foley Square, Courtroom 443, New York, New York 10007, pursuant to the Certificate of Incorporation of Plaintiff/Counterclaim Defendant Navidea Biopharmaceuticals, Inc. ("Navidea") and 8 Del. C. § 145 for an Order ordering Navidea to advance to Dr. Goldberg his attorneys' fees in connection with the counterclaims asserted by him against Navidea in this action and for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that any opposing affidavits and answering memoranda to this motion shall be served within fourteen (14) days after service of the moving papers, and any reply affidavits and reply memoranda shall be served within seven (7) days after service of the answering papers pursuant to Local Rule 6.1(b).

Dated: Westchester, New York
November 13, 2020

Respectfully submitted,

/s/ Gregory Zimmer
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